



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,025	01/10/2001	Joshua Dov Joseph Sharfman	40526/SAH/D453	8119

7590 10/22/2004

John V. Biernacki  
Jones Day  
North Point, 901 Lakeside Avenue  
Cleveland, OH 44114

EXAMINER
----------

DUONG, THOMAS

ART UNIT	PAPER NUMBER
----------	--------------

2145

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/758,025

Applicant(s)

SHARFMAN ET AL.

Examiner

Thomas Duong

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 and 56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1, 2, 3</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

*and § 6 B8*

1. Applicant's election without traverse of *claims 1-22* in amendment filed July 27, 2004 is acknowledged. *Claims 23-55* are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made without traverse in amendment filed July 27, 2004. In response to this office action, cancellation of nonelected claims is required from the applicant.

***Drawings***

2. The drawings are objected to because they are not presentable. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. *Claims 1, 8-9, 11-12, 15-16 and 56* are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. With regard to claims 1, 8-9, 11-12, 15-16 and 56 recite the limitation "asset" and "assets" while meaning "digital asset" and "digital assets" respectively. Please make the appropriate corrections.
6. Claims 1, 4 and 56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. With regard to claims 1, 4 and 56, the phrase "predetermined manner" renders the claim indefinite because it is unclear what service and/or step is carried out by the operating system of the telecommunication terminal device. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
9. Claims 1-14 and 56 are rejected under 35 U.S.C. 103(a) as being anticipated by Travis et al. (US005422999A) and in view of Wong et al. (US006216152B1).
10. With regard to claim 1, Travis reference discloses,
  - *receiving a set of digital assets (digital data, information object, contents of an entire file) packaged together in a (transport object) predetermined manner;*  
(Travis, col.2, lines 10-11, lines 21-24, lines 32-35; col.8, lines 41-46; module 120, fig.3B-1; Travis discloses a method for receiving a transport object which

may consists of other objects or digital data and unpackaging the received transport object to retrieve the individual embedded objects or digital data)

- *unpackaging the digital assets to define at least two discrete assets;* (Travis, col.8, lines 47-52; col.9, lines 1-19, lines 26-43; modules 121-125 and 130-131, fig.3B-1; Travis discloses a method for receiving a transport object which may consists of other objects or digital data and unpackaging the received transport object to retrieve the individual embedded objects or digital data)

However, Travis reference does not explicitly disclose,

- *for each asset, determining an asset type;*
- *determining a destination for each asset based on the asset type; and*
- *distributing the assets to the appropriate destinations.*

Wong teaches,

- *for each asset, determining an asset type;* (Wong, col.2, lines 31-32; col.7, lines 5-14; module 400, fig.4; Wong discloses a method of determining the type of each of the object (i.e. file or media) and the associated destination of each object. In other words, Wong teaches of determining the type of the media and the associated application to present the media to the user)
- *determining a destination for each asset based on the asset type; and* (Wong, col.2, lines 31-32; col.7, lines 5-14, lines 22-28; module 400, fig.4; Wong discloses a method of determining the type of each of the object (i.e. file or media) and the associated destination of each object. In other words, Wong teaches of determining the type of the media and the associated application to present the media to the user)

- *distributing the assets to the appropriate destinations.* (Wong, col.2, lines 31-32; col.7, lines 5-14, lines 22-28; module 400, fig.4; Wong discloses a method of determining the type of each of the object (i.e. file or media) and the associated destination of each object. In other words, Wong teaches of determining the type of the media and the associated application to present the media to the user)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the Wong reference with the Travis reference to meet the "growing interest in the media distribution of the Internet and the World Wide Web [which] has resulted in the development of a variety of multimedia data compression and encoding formats or media types for efficient transport of audio, video and other forms of media" (Wong, col.1, lines 17-22). Furthermore, the resulting invention would "provide a new and improved data transport system for transferring data in a digital data processing system" (Travis, col.1, lines 31-33) for a variety of multimedia data formats.

11. With regard to claims 2-3 and 6, Travis and Wong references disclose the invention substantially as claimed,

See *claim 1* rejection as detailed above.

Furthermore, Travis reference discloses,

- *wherein receiving the set of digital assets comprises receiving the digital assets packaged as a single file.* (Travis, col.2, lines 10-11, lines 21-24, lines 32-35; col.8, lines 41-46; module 120, fig.3B-1; Travis discloses a method for receiving a transport object which may consists of other objects or digital data and unpackaging the received transport object to retrieve the individual embedded objects or digital data)

- *wherein receiving the digital assets comprises receiving the digital assets over a computer network.* (Travis, col.1, lines 13-20; col.2, lines 10-11, lines 21-24, lines 32-35; col.8, lines 41-46; fig.1; module 120, fig.3B-1; Travis discloses a method for receiving a transport object which may consists of other objects or digital data and unpackaging the received transport object to retrieve the individual embedded objects or digital data)
12. With regard to claims 4-5, Travis and Wong references disclose the invention substantially as claimed,
- See *claim 1* rejection as detailed above.
- Furthermore, Wong reference discloses,
- *wherein receiving the digital assets comprises receiving at least graphical images and continuous stream media clips packaged together in a predetermined manner.* (Wong, col.1, lines 19-22, lines 45-48; col.3, lines 37-46; Wong discloses a method of determining the type of each of the object (i.e. file or media) and the associated destination of each object. In other words, Wong teaches of determining the type of the media and the associated application to present the media to the user)
  - *wherein receiving the digital assets comprises receiving one or more of graphical images, continuous stream media clips, clips of animation, telemetry clips, and video files.* (Wong, col.1, lines 19-22, lines 45-48; col.3, lines 37-46; Wong discloses a method of determining the type of each of the object (i.e. file or media) and the associated destination of each object. In other words, Wong teaches of determining the type of the media and the associated application to present the media to the user)

13. With regard to claims 7-8 and 14, Travis and Wong references disclose the invention substantially as claimed,

See *claim 1* rejection as detailed above.

Furthermore, Wong reference discloses,

- *wherein unpackaging the digital assets comprises processing the package to separate the digital assets into individual files.* (Travis, col.8, lines 47-52; col.9, lines 1-19, lines 26-43; modules 121-125 and 130-131, fig.3B-1; Travis discloses a method for receiving a transport object which may consists of other objects or digital data and unpackaging the received transport object to retrieve the individual embedded objects or digital data)
- *wherein processing the package comprises:* (Travis, col.8, lines 47-52; col.9, lines 1-19, lines 26-43; modules 121-125 and 130-131, fig.3B-1; Travis discloses a method for receiving a transport object which may consists of other objects or digital data and unpackaging the received transport object to retrieve the individual embedded objects or digital data)
  - *receiving the packaged assets, wherein the packaged assets include executable code and a plurality of blocks of compressed data;*
  - *identifying a first one of the blocks;*
  - *processing identification information contained in the block to determine the contents of the block; and*
  - *decompressing the data in the block if the block is a compressed file block.*(Wong, col.1, lines 19-22, lines 45-48; col.3, lines 37-46; Wong discloses a method of determining the type of each of the object (i.e. file or media) and the associated destination of each object. In other words, Wong teaches of



determining the type of the media and the associated application to present the media to the user)

14. With regard to claims 9-10, Travis and Wong references disclose the invention substantially as claimed,

See *claim 1* rejection as detailed above.

Furthermore, Wong reference discloses,

- *wherein determining the type of asset comprises determining the file type for each digital asset.* (Wong, col.2, lines 31-32; col.7, lines 5-14; module 400, fig.4; Wong discloses a method of determining the type of each of the object (i.e. file or media) and the associated destination of each object. In other words, Wong teaches of determining the type of the media and the associated application to present the media to the user)

15. With regard to claims 11-13, Travis and Wong references disclose the invention substantially as claimed,

See *claim 1* rejection as detailed above.

Furthermore, Wong reference discloses,

- *wherein determining the destination comprises determining an appropriate server for the asset based on the type of asset.* (Wong, col.2, lines 31-32; col.7, lines 5-14, lines 22-28; module 400, fig.4; Wong discloses a method of determining the type of each of the object (i.e. file or media) and the associated destination of each object. In other words, Wong teaches of determining the type of the media and the associated application to present the media to the user. Travis, col.8, lines 47-52; col.9, lines 1-19, lines 26-43; modules 121-125 and 130-131, fig.3B-1; Travis discloses a method for receiving a transport object which may consists

of other objects or digital data and unpackaging the received transport object to retrieve the individual embedded objects or digital data. Travis teaches of separating the initial object into individual files and these files can be saved into the appropriate locations)

16. With regard to claim 56, Travis reference discloses,

- *receiving a set of digital assets (digital data, information object, contents of an entire file) packaged together in a (transport object) predetermined manner;* (Travis, col.2, lines 10-11, lines 21-24, lines 32-35; col.8, lines 41-46; module 120, fig.3B-1; Travis discloses a method for receiving a transport object which may consists of other objects or digital data and unpackaging the received transport object to retrieve the individual embedded objects or digital data)
- *unpackaging the digital assets to define at least two discrete assets;* (Travis, col.8, lines 47-52; col.9, lines 1-19, lines 26-43; modules 121-125 and 130-131, fig.3B-1; Travis discloses a method for receiving a transport object which may consists of other objects or digital data and unpackaging the received transport object to retrieve the individual embedded objects or digital data)

However, Travis reference does not explicitly disclose,

- *wherein a server is operative to unpackage the digital assets, determine the file types of the respective assets, and to distribute the assets to the appropriate servers based on the determined files types;*
- *for each asset, determining an asset type;*
- *determining a destination for each asset based on the asset type; and*
- *distributing the assets to the appropriate destinations.*

Wong teaches,

- *wherein a server is operative to unpack the digital assets, determine the file types of the respective assets, and to distribute the assets to the appropriate servers based on the determined file types;* (Wong, col.2, lines 31-32; col.7, lines 5-14; module 400, fig.4; Wong discloses a method of determining the type of each of the object (i.e. file or media) and the associated destination of each object. In other words, Wong teaches of determining the type of the media and the associated application to present the media to the user)
- *for each asset, determining an asset type;* (Wong, col.2, lines 31-32; col.7, lines 5-14; module 400, fig.4; Wong discloses a method of determining the type of each of the object (i.e. file or media) and the associated destination of each object. In other words, Wong teaches of determining the type of the media and the associated application to present the media to the user)
- *determining a destination for each asset based on the asset type; and* (Wong, col.2, lines 31-32; col.7, lines 5-14, lines 22-28; module 400, fig.4; Wong discloses a method of determining the type of each of the object (i.e. file or media) and the associated destination of each object. In other words, Wong teaches of determining the type of the media and the associated application to present the media to the user)
- *distributing the assets to the appropriate destinations.* (Wong, col.2, lines 31-32; col.7, lines 5-14, lines 22-28; module 400, fig.4; Wong discloses a method of determining the type of each of the object (i.e. file or media) and the associated destination of each object. In other words, Wong teaches of determining the type of the media and the associated application to present the media to the user)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the Wong reference with the Travis reference to meet the "growing interest in the media distribution of the Internet and the World Wide Web [which] has resulted in the development of a variety of multimedia data compression and encoding formats or media types for efficient transport of audio, video and other forms of media" (Wong, col.1, lines 17-22). Furthermore, the resulting invention would "provide a new and improved data transport system for transferring data in a digital data processing system" (Travis, col.1, lines 31-33) for a variety of multimedia data formats.

17. Claims 15-22 are rejected under 35 U.S.C. 103(a) as being anticipated by Travis et al. (US005422999A), in view of Wong et al. (US006216152B1) and further in view of Liu (US005953005A).
18. With regard to claims 15-22, Travis and Wong references disclose the invention substantially as claimed,

See *claim 1* rejection as detailed above.

However, Travis and Wong references do not explicitly disclose,

- *notifying one or more recipients regarding the set of digital assets;*
- *receiving a request for the set of digital assets from one of the recipients; and*
- *presenting the set of digital assets to the recipient.*

Liu teaches,

- *notifying one or more recipients regarding the set of digital assets;* (Liu, col.2, lines 17-60; col.5, lines 18-31; fig.5; Liu discloses a method and system to deliver and present multimedia content to a user upon a user request. Liu, furthers,

discloses of authenticating the user before responding to the user's request with the requested multimedia)

- *receiving a request for the set of digital assets from one of the recipients; and* (Liu, col.2, lines 17-60; col.5, lines 18-31; fig.5; Liu discloses a method and system to deliver and present multimedia content to a user upon a user request. Liu, furthers, discloses of authenticating the user before responding to the user's request with the requested multimedia)
- *presenting the set of digital assets to the recipient.* (Liu, col.2, lines 17-60; col.5, lines 18-31; fig.5; Liu discloses a method and system to deliver and present multimedia content to a user upon a user request. Liu, furthers, discloses of authenticating the user before responding to the user's request with the requested multimedia)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the Liu reference with the Wong and Travis references because "it would be beneficial to both commercial and home users for the distribution of... multimedia content to be provided on-line by an Internet-type distribution system" (Liu, col.2, lines 11-14). Furthermore, it is advantageous for vendors to provide multimedia content data, which is readily accessible by consumers depending upon bandwidth capability of the transmission (Liu, col.1, lines 45-50).

### ***Conclusion***

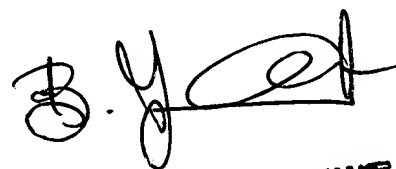
19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Nelson et al. (US006498897B1)
- Collins, III et al. (US005845090A)
- Hintermeister et al. (US006345306B1)

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886 or 571/272-3911 (after 11/01/2004). The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221 or 571/272-3923 (after 11/01/2004). The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900 or 571/272-2100 (after 11/01/2004).

*Thomas Duong (AU2143)*

*October 15, 2004*

  
**BUNJOB JAROENCHONWANT**  
**PRIMARY EXAMINER**